

EXHIBIT H

chtousi@ipllfirm.com

From: Ryan Duffey <Ryan.Duffey@foster.com>
Sent: Wednesday, September 26, 2018 7:20 PM
To: 'AVanKampen@VKClaw.com'; 'chtousi@ipllfirm.com'
Cc: Ben Hodges; Kevin Ormiston
Subject: Solowheel, Inc. v. Ninebot, Inc. et al. - Case No. 3:16-cv-05688-RBL
Attachments: 2018-09-26 - Solowheel's Objections and Answers to Ninebot's First Set of Interrogatories.pdf; 2018-09-26 - Solowheel's Objections and Answers to Ninebot's First Set of Requests for Production of Documents and Things.pdf

Dear Counsel,

On behalf of Ben Hodges, please see the attached documents served upon you regarding the above-referenced matter.

Regards,

Ryan Duffey
LEGAL ASSISTANT
FOSTER PEPPER PLLC
1111 Third Avenue, Suite 3000
Seattle, WA 98101
ryan.duffey@foster.com
Tel: 206-447-7271
Fax: 206-447-9700
foster.com

1
2
3 **UNITED STATES DISTRICT COURT**
4 **WESTERN DISTRICT OF WASHINGTON**
5 **AT TACOMA**

6 SOLOWHEEL INC.,

7 Plaintiff,

8 v.

9 NINEBOT INC. (USA), D/B/A NINEBOT
10 U.S., INC.; NINEBOT (TIANJIN)
11 TECHNOLOGY CO., LTD.; NINEBOT,
12 INC. (China),

13 Defendants.

Case No. 3:16-cv-05688-RBL

**SOLOWHEEL INC.'S OBJECTIONS
AND ANSWERS TO NINEBOT
(TIANJIN) TECHNOLOGY CO.,
LTD.'S FIRST SET OF REQUESTS
FOR PRODUCTION OF DOCUMENTS
AND THINGS**

**SOLOWHEEL INC.'S OBJECTIONS AND ANSWERS TO NINEBOT (TIANJIN)
TECHNOLOGY CO., LTD.'S FIRST SET OF REQUESTS FOR PRODUCTION OF
DOCUMENTS AND THINGS**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and the Local Rules, Plaintiff Solowheel Inc. ("Solowheel"), by and through its undersigned counsel, submit the following objections and answers to Defendant Ninebot (Tianjin) Technology Co., Ltd. ("Ninebot") First Set of Requests for Production of Documents and Things.

GENERAL OBJECTIONS

The following general objections are incorporated by reference into Solowheel's responses to each request for production of documents and things.

1. Solowheel's responses are based upon facts known at this time. Discovery in this matter is ongoing, and during the course of subsequent discovery, Solowheel may become aware of additional information that may be responsive to these requests. Solowheel reserves the right to update, amend, modify, or supplement these responses. In addition, these responses are made without prejudice to Solowheel's right to present additional evidence or contentions at trial based upon information thereafter obtained or developed.

2. Solowheel objects to the definition of "your" and "you" on the ground that they purport to sweep in people and entities who are not under the control of Solowheel. Solowheel will respond to these requests only on its own behalf and not on behalf of other persons or entities.

3. Solowheel objects to each request to the extent that it calls for information not within Solowheel's possession, custody, or control. Solowheel will provide only documents in its possession, custody or control that are located in the course of a reason-able search. Solowheel further objects to each request to the extent it requests electronic information, including, but not limited to, information from old programs or old media, that is not reasonably accessible and/or the accessibility of which would cause Solowheel undue burden and expense not proportional to the needs of the case.

1 4. Solowheel objects to each request to the extent it purports to require Solowheel to
2 compile information in a manner that is not maintained in the ordinary course of business, or to
3 create documents that are not currently in existence.

4 5. Solowheel objects to each request to the extent it seeks to impose on Solowheel
5 an obligation to create and maintain wholly new documents, including through recording or other
6 capture of audio, visual, and/or other digital communications solely for the purpose of discovery
7 in the litigation where communications are not otherwise recorded or captured in the ordinary
8 course of Solowheel's business.

9 6. Solowheel objects to each request, and to the "Definitions" and "Instructions" to
10 the extent that they seek to impose any obligation upon Solowheel that is additional to, different
11 from, inconsistent with, greater than, and/or unauthorized by the Federal Rules of Civil
12 Procedure, the Local Rules of the United States District Court for the Western District of
13 Washington, applicable standing orders, applicable court orders, stipulations, or agreements of
14 the parties. In responding to the requests, Solowheel will comply with the obligations imposed
15 by the Federal Rules of Civil Procedure, the Local Rules of the United States District Court for
16 the Western District of Washington, applicable standing orders, applicable court orders,
17 stipulations, and agreements of the parties.

18 7. Solowheel objects to the "identify" instruction when used with reference to a
19 "document" or "person" insofar as it renders the requests unduly burdensome. Solowheel will
20 identify documents (if at all) only through identification though Rule 33(d) and will identify
21 persons by name.

22 8. The general objections set forth above are made without prejudice to, or waiver
23 of, Solowheel's right to object on all appropriate grounds hereafter. Any information provided by
24 Solowheel, and any agreement by Solowheel to produce documents, is subject to and without
25 waiving these general objections and any specific objection stated in the response.

26 9. Nothing in these responses shall be construed to waive rights or objections that
27 are otherwise available to Solowheel, nor shall Solowheel's answering of any of these requests

1 be deemed an admission of relevancy, materiality, or admissibility in evidence of the request or
 2 of the responses thereto. Solowheel's responses are made without waiving: (1) the right to object
 3 on any basis permitted by law to the use of any information provided herein, for any purpose, in
 4 whole or in part, in any subsequent proceeding in this action or any other action; and (2) the right
 5 to object on any basis permitted by law to any other discovery requests or proceedings involving
 6 or relating to the subject matter of these responses.

7 **OBJECTIONS AND ANSWERS TO SPECIFIC DOCUMENT REQUESTS**

8
 9 **REQUEST FOR PRODUCTION NO. 1:** All documents and things concerning the sale
 10 of the Solowheel Unicycle Products.

11 **RESPONSE:**

12 Solowheel objects to Request No. 1 as overbroad, unduly burdensome, and not
 13 proportional to the needs of the case. Solowheel is unable to decipher what Ninebot means by
 14 "sale of the Solowheel Unicycle Products." Solowheel also objects to Request No. 1 to the extent
 15 that it calls for production of documents protected by the attorney-client privilege, attorney work
 16 product doctrine, or other applicable privilege. Solowheel also objects to Request No. 1 as
 17 requesting publicly available documents equally available to Ninebot. Without waiving any of its
 18 objections, Solowheel responds as follows:

19 Solowheel will produce or make available any non-privileged documents responsive to
 20 this request after, and subject to, the parties signing a Stipulated Protective Order.

21
 22 **REQUEST FOR PRODUCTION NO. 2:** All documents and things concerning the
 23 design of the Solowheel Unicycle Products.

24 **RESPONSE:**

25 Solowheel objects to Request No. 2 as overbroad, unduly burdensome, and not
 26 proportional to the needs of the case. Solowheel is unable to decipher what Ninebot means by
 27 "design of the Solowheel Unicycle Products." Solowheel also objects to Request No. 2 to the

1 extent that it calls for production of documents protected by the attorney-client privilege,
2 attorney work product doctrine, or other applicable privilege. Solowheel also objects to Request
3 No. 2 as requesting publicly available documents equally available to Ninebot. Without waiving
4 any of its objections, Solowheel responds as follows:

5 Solowheel will produce or make available any non-privileged documents responsive to
6 this request after, and subject to, the parties signing a Stipulated Protective Order.

7
8 **REQUEST FOR PRODUCTION NO. 3:** All documents and things concerning the
9 marketing, promotion and advertising of the Solowheel Unicycle Products including by not
10 limited to all documents, bids, requests for proposal, marketing studies, promotional material,
11 presentations, videos, television advertisements, magazine and/or trade journal advertisements,
12 internet advertising, and radio advertisements concerning said advertising and marketing.

13 **RESPONSE:**

14 Solowheel objects to Request No. 3 as overbroad, unduly burdensome, and not
15 proportional to the needs of the case. Solowheel is unable to decipher what Ninebot means by
16 “Solowheel Unicycle Products.” Solowheel also objects to Request No. 3 to the extent that it
17 calls for production of documents protected by the attorney-client privilege, attorney work
18 product doctrine, or other applicable privilege. Solowheel also objects to Request No. 3 as
19 requesting publicly available documents equally available to Ninebot. Without waiving any of its
20 objections, Solowheel responds as follows:

21 Solowheel will produce or make available any non-privileged documents responsive to
22 this request after, and subject to, the parties signing a Stipulated Protective Order.

23
24 **REQUEST FOR PRODUCTION NO. 4:** All documents and things concerning
25 agreements, licenses, arrangements and understandings between any of the parties, Solowheel,
26 Inventist, Inc., any Patent Holder and/or Shane Chen, including but not limited to asset purchase
27

1 agreements, licenses, technology transfer agreements, joint venture agreements, indemnification
2 agreements, and confidentiality agreements.

3 **RESPONSE:**

4 Solowheel objects to Request No. 4 as overbroad, unduly burdensome, and not
5 proportional to the needs of the case. Solowheel is unable to decipher what Ninebot means by
6 “Solowheel Unicycle Products.” Solowheel also objects to Request No. 4 to the extent that it
7 calls for production of documents protected by the attorney-client privilege, attorney work
8 product doctrine, or other applicable privilege. Solowheel also objects to Request No. 4 as
9 requesting publicly available documents equally available to Ninebot. Without waiving any of its
10 objections, Solowheel responds as follows:

11 Solowheel will produce or make available any non-privileged documents responsive to
12 this request after, and subject to, the parties signing a Stipulated Protective Order.

13
14 **REQUEST FOR PRODUCTION NO. 5:** All documents and things concerning any
15 comparison, evaluation, analysis or review by You, or any other person, of the Ninebot Unicycle
16 Products and the Patents-In-Suit.

17 **RESPONSE:**

18 Solowheel objects to Request No. 5 to the extent that it calls for production of documents
19 protected by the attorney-client privilege, attorney work product doctrine, or other applicable
20 privilege. Solowheel further objects under Local Rule 112(b).

21
22 **REQUEST FOR PRODUCTION NO. 6:** All documents and things concerning any
23 comparison, evaluation, analysis or review by You, or any other person, of any unicycle product
24 and the Patents-In-Suit.

25 **RESPONSE:**

26 Solowheel objects to Request No. 6 as overbroad, unduly burdensome, and not
27 proportional to the needs of the case. Solowheel is unable to decipher what need Ninebot has for

1 non-Ninebot unicycle products. Solowheel further objects under Local Rule 112(b). Solowheel
2 also objects to Request No. 6 to the extent that it calls for production of documents protected by
3 the attorney-client privilege, attorney work product doctrine, or other applicable privilege.
4 Solowheel also objects to Request No. 6 as requesting publicly available documents equally
5 available to Ninebot. Without waiving any of its objections, Solowheel responds as follows:

6 Solowheel will produce or make available any non-privileged documents responsive to
7 this request after, and subject to, the parties signing a Stipulated Protective Order.

8
9 **REQUEST FOR PRODUCTION NO. 7:** All documents and things concerning any
10 cease and desist letter or offer of license from You to other person that relates or refers to the
11 Patents-In-Suit.

12 **RESPONSE:**

13 Solowheel objects to Request No. 7 to the extent that it calls for production of documents
14 protected by the attorney-client privilege, attorney work product doctrine, or other applicable
15 privilege. Without waiving any of its objections, Solowheel responds as follows:

16 Solowheel will produce or make available any non-privileged documents responsive to
17 this request after, and subject to, the parties signing a Stipulated Protective Order.

18
19 **REQUEST FOR PRODUCTION NO. 8:** A copy of the file wrapper or prosecution
20 history of the Patents-In-Suit.

21 **RESPONSE:**

22 Solowheel objects to Request No. 8 as requesting publicly available documents equally
23 available to Ninebot.

24
25 **REQUEST FOR PRODUCTION NO. 9:** A copy of all prior art that relates to the
26 Patents-In-Suit.

RESPONSE:

Solowheel objects to Request No. 9 as overbroad, unduly burdensome, and not proportional to the needs of the case. More specifically, Solowheel is unable to decipher what Ninebot means by “prior art that relates to the Patents-In-Suit.” Solowheel also objects to Request No. 9 to the extent that it calls for production of documents protected by the attorney-client privilege, attorney work product doctrine, or other applicable privilege. Solowheel also objects to Request No. 9 as requesting publicly available documents equally available to Ninebot. Without waiving any of its objections, Solowheel responds as follows:

Solowheel identifies the Prior Art previously identified by Ninebot, as Ninebot apparently believes that art is “relevant.” Solowheel also identifies the art listed on the face of the ‘250, ‘081, or ‘698 Patents. All of this prior art is equally available to Ninebot.

REQUEST FOR PRODUCTION NO. 10: All documents and things concerning Ninebot’s unicycle products.

RESPONSE:

Solowheel objects to Request No. 10 to the extent that it calls for production of documents protected by the attorney-client privilege, attorney work product doctrine, or other applicable privilege. Solowheel further objects to Request No. 10 to the extent it requests production of documents with an unlimited temporal scope. Without waiving its objections, Solowheel responds as follows:

Solowheel will produce or make available any non-privileged documents responsive to this request after, and subject to, the parties signing a Stipulated Protective Order.

REQUEST FOR PRODUCTION NO. 11: All documents and things concerning communications between Solowheel and Inventist, Inc. relating to Ninebot or Ninebot’s Unicycle Products.

RESPONSE:

Solowheel objects to Request No. 11 to the extent that it calls for production of documents protected by the attorney-client privilege, attorney work product doctrine, or other applicable privilege. Solowheel further objects to Request No. 11 to the extent it requests production of documents with an unlimited temporal scope. Solowheel also objects to Request No. 11 as requesting documents equally available to Ninebot. Without waiving its objections, Solowheel responds as follows:

Solowheel will produce or make available any non-privileged documents responsive to this request after, and subject to, the parties signing a Stipulated Protective Order.

REQUEST FOR PRODUCTION NO. 12: All documents and things that support any alleged long-felt, unsolved need for the alleged invention disclosed and claimed in the Patents-in-Suit.

RESPONSE:

Solowheel objects to Request No. 12 to the extent that it does not provide the specificity required under the Federal Rules of Civil Procedure. Solowheel further objects to Request No. 12 to the extent that it calls for production of documents protected by the attorney-client privilege, attorney work product doctrine, or other applicable privilege. Solowheel further objects that obviousness is not at issue in this case and is the burden of Ninebot to show a submissible obviousness case before any issue of nonobviousness is relevant to this case. Without waiving any of its objections, Solowheel responds as follows:

Solowheel will produce or make available any non-privileged documents responsive to this request after, and subject to, the parties signing a Stipulated Protective Order.

REQUEST FOR PRODUCTION NO. 13: All documents and things that support any alleged commercial success of the alleged inventions disclosed and claimed in the Patents-in-Suit.

RESPONSE:

Solowheel objects to Request No. 13 to the extent that it does not provide the specificity required under the Federal Rules of Civil Procedure. Solowheel further objects to Request No. 13 to the extent that it calls for production of documents protected by the attorney-client privilege, attorney work product doctrine, or other applicable privilege. Solowheel further objects that obviousness is not at issue in this case and is the burden of Ninebot to show a submissible obviousness case before any issue of nonobviousness is relevant to this case. Without waiving any of its objections, Solowheel responds as follows:

Solowheel will produce or make available any non-privileged documents responsive to this request after, and subject to, the parties signing a Stipulated Protective Order.

REQUEST FOR PRODUCTION NO. 14: All documents and things that support any alleged accolades or other industry recognition for the alleged inventions disclosed and claimed in the Patents-in-Suit.

RESPONSE:

Solowheel objects to Request No. 14 to the extent that it does not provide the specificity required under the Federal Rules of Civil Procedure. Solowheel further objects to Request No. 14 to the extent that it calls for production of documents protected by the attorney-client privilege, attorney work product doctrine, or other applicable privilege. Solowheel further objects that obviousness is not at issue in this case and is the burden of Ninebot to show a submissible obviousness case before any issue of nonobviousness is relevant to this case. Without waiving any of its objections, Solowheel responds as follows:

Solowheel will produce or make available any non-privileged documents responsive to this request after, and subject to, the parties signing a Stipulated Protective Order.

1 **REQUEST FOR PRODUCTION NO. 15:** All documents and things that support any
2 alleged failure of others to meet the need for the alleged invention disclosed and claimed in the
3 Patents-in-Suit.

4 **RESPONSE:**

5 Solowheel objects to Request No. 15 to the extent that it does not provide the specificity
6 required under the Federal Rules of Civil Procedure. Solowheel further objects to Request No. 15
7 to the extent that it calls for production of documents protected by the attorney-client privilege,
8 attorney work product doctrine, or other applicable privilege. Solowheel further objects that
9 obviousness is not at issue in this case and is the burden of Ninebot to show a submissible
10 obviousness case before any issue of nonobviousness is relevant to this case. Without waiving
11 any of its objections, Solowheel responds as follows:

12 Solowheel will produce or make available any non-privileged documents responsive to
13 this request after, and subject to, the parties signing a Stipulated Protective Order.

14
15 **REQUEST FOR PRODUCTION NO. 16:** All documents and things that support any
16 alleged acquiescence of third parties to the validity of the Patents-in-Suit.

17 **RESPONSE:**

18 Solowheel further objects to Request No. 16 to the extent that it calls for production of
19 documents protected by the attorney-client privilege, attorney work product doctrine, or other
20 applicable privilege. Solowheel also objects to Request No. 16 as requesting documents equally
21 available to Ninebot. Without waiving its objections, Solowheel responds as follows:

22 Solowheel will produce or make available any non-privileged documents responsive to
23 this request after, and subject to, the parties signing a Stipulated Protective Order.

24
25 **REQUEST FOR PRODUCTION NO. 17:** All documents and things that support any
26 alleged nexus of commercial success to the alleged inventions disclosed and claimed in the
27 Patents-in-Suit.

RESPONSE:

Solowheel objects to Request No. 17 to the extent that it does not provide the specificity required under the Federal Rules of Civil Procedure. Solowheel further objects to Request No. 17 to the extent that it calls for production of documents protected by the attorney-client privilege, attorney work product doctrine, or other applicable privilege. Solowheel further objects that obviousness is not at issue in this case and therefore not proportional, and is the burden of Ninebot to show a submissible obviousness case before any issue of nonobviousness is relevant to this case. Without waiving any of its objections, Solowheel responds as follows:

Solowheel will produce or make available any non-privileged documents responsive to this request after, and subject to, the parties signing a Stipulated Protective Order.

REQUEST FOR PRODUCTION NO. 18: All documents and things that evidence the existence of non-infringing alternatives to the invention disclosed and claimed in the Patents-in-Suit.

RESPONSE:

Solowheel objects to Request No. 18 to the extent that it does not provide the specificity required under the Federal Rules of Civil Procedure. Solowheel further objects to Request No. 18 to the extent that it calls for production of documents protected by the attorney-client privilege, attorney work product doctrine, or other applicable privilege. Solowheel also objects to Request No. 18 to the extent it calls for a legal conclusion. Solowheel further objects that obviousness is not at issue in this case and is the burden of Ninebot to show a submissible obviousness case before any issue of nonobviousness is relevant to this case.

REQUEST FOR PRODUCTION NO. 19: All documents and things that support an any alleged demand for the alleged invention disclosed and claimed in the Patents-in-Suit including but not limited to all documents and things concerning any analysis, market research,

1 surveys, size of market(s) or other information or communications concerning consumer demand
2 for the products covered by the Patents-In-Suit.

3 **RESPONSE:**

4 Solowheel further objects to Request No. 19 to the extent that it calls for production of
5 documents protected by the attorney-client privilege, attorney work product doctrine, or other
6 applicable privilege. Solowheel further objects to Request No. 19 to the extent it requests
7 production of documents with an unlimited temporal scope. Solowheel also objects to Request
8 No. 19 to the extent it calls for a legal conclusion. Solowheel further objects that obviousness is
9 not at issue in this case and is the burden of Ninebot to show a submissible obviousness case
10 before any issue of nonobviousness is relevant to this case. Without waiving its objections,
11 Solowheel responds as follows:

12 Solowheel will produce or make available any non-privileged documents responsive to
13 this request after, and subject to, the parties signing a Stipulated Protective Order.

14
15 **REQUEST FOR PRODUCTION NO. 20:** All documents and things that evidence,
16 refer to or relate to the conception of the invention that is the subject of the Patents-In-Suit.

17 **RESPONSE:**

18 Solowheel objects to Request No. 20 as overbroad, unduly burdensome, and not
19 proportional to the needs of the case to the extent that it asks Solowheel to identify “all
20 documents” and “conception of the invention.” Solowheel objects to Request No. 20 as vague as
21 it is unclear how Ninebot would define “evidence, refer to or relate” and “conception” or
22 “invention”. Solowheel also objects to Request No. 20 as calling for contentions and support
23 properly considered under the Court’s Scheduling Order. Without waiving its objections,
24 Solowheel responds as follows:

25 Solowheel will produce relevant non-privileged documents responsive to this request
26 subject to a Stipulated Protective Order.

1 **REQUEST FOR PRODUCTION NO. 21:** All documents and things that evidence,
2 refer to or relate to the reduction to practice of the invention that is the subject of the Patents-In-
3 Suit.

4 **RESPONSE:**

5 Solowheel objects to Request No. 21 as overbroad, unduly burdensome, and not
6 proportional to the needs of the case to the extent that it asks Solowheel to identify “all
7 documents” and “conception of the invention.” Solowheel objects to Request No. 21 as vague
8 as it is unclear how Ninebot would define “evidence, refer to or relate” and “conception” or
9 “invention”. Solowheel also objects to Request No. 21 as calling for contentions and support
10 properly considered under the Court’s Scheduling Order. Solowheel objects to Request No. 21 as
11 duplicative of Request No. 20. Without waiving its objections, Solowheel responds as follows:

12 Solowheel will produce or make available any non-privileged documents responsive to
13 this request after, and subject to, the parties signing a Stipulated Protective Order.

14
15 **REQUEST FOR PRODUCTION NO. 22:** All documents and things that evidence,
16 refer to or relate to the first sale of the invention that is the subject of the Patents-In-Suit.

17 **RESPONSE:**

18 Solowheel objects to Request No. 22 as duplicative of Requests No. 20 and 21 to the
19 extent that it asks for dates and information related to conception and reduction to practice.
20 Without waiving its objections, Solowheel responds as follows:

21 Solowheel will produce or make available any non-privileged documents responsive to
22 this request after, and subject to, the parties signing a Stipulated Protective Order.

23
24 **REQUEST FOR PRODUCTION NO. 23:** All documents and things that comprise
25 prior art to the Patents-in-Suit.

RESPONSE:

Solowheel objects to Request No. 23 as overbroad, unduly burdensome, and not proportional to the needs of the case. Solowheel is unable to decipher what Ninebot means by “prior art that relates to the Patents-In-Suit.” Solowheel also objects to Request No. 23 to the extent that it calls for production of documents protected by the attorney-client privilege, attorney work product doctrine, or other applicable privilege. Solowheel also objects to Request No. 23 as requesting publicly available documents equally available to Ninebot. Solowheel also objects to Request No. 23 to the extent it is duplicative of Request No. 9. Without waiving any of its objections, Solowheel responds as follows:

Solowheel will produce or make available any non-privileged documents responsive to this request after, and subject to, the parties signing a Stipulated Protective Order.

REQUEST FOR PRODUCTION NO. 24: A sample of the original packaging, instructions, manuals and promotional literature for each of Your unicycle products.

RESPONSE:

Solowheel objects to Request No. 24 as overbroad, unduly burdensome, and not proportional to the needs of the case. Ninebot has failed to offer any reason for why it needs information related to Solowheel’s products in order to defend its infringement of the ‘250, ‘081, or ‘698 Patents. Solowheel further objects to Request No. 24 to the extent that it calls for documents and things that are publically available and thus equally available to Ninebot. Without waiving any of its objections, Solowheel responds as follows:

Solowheel will produce or make available any non-privileged documents responsive to this request after, and subject to, the parties signing a Stipulated Protective Order.

REQUEST FOR PRODUCTION NO. 25: All documents and things concerning any testing of the Solowheel Unicycle Products by you or any other parties.

RESPONSE:

Solowheel objects to Request No. 25 as not proportional to the needs of the case. Testing of Solowheel products has nothing to do with whether or not Ninebot infringes Solowheel's patents, validity, or damages, and is therefore irrelevant and unduly burdensome.

REQUEST FOR PRODUCTION NO. 26: All documents and things concerning the testing of the inventions disclosed in the Patents-in-Suit.

RESPONSE:

Solowheel objects to Request No. 26 as not proportional to the needs of the case. Testing of Solowheel products has nothing to do with whether or not Ninebot infringes Solowheel's patents, validity, or damages, and is therefore irrelevant and unduly burdensome.

REQUEST FOR PRODUCTION NO. 27: All documents and things concerning any agreements or licenses that You believe or may believe is relevant in a damages analysis in this case including without limitation any settlement agreements (including covenants not to sue and the like), and covering single wheel personal transporters or electric unicycles, to which You are a party.

RESPONSE:

Solowheel objects to Request No. 27 as premature because discovery has just commenced in this case. The factual allegations involving reasonable royalties will be determined through consultation with experts and will be disclosed with its experts' reports pursuant to the Court's Scheduling Order and the Local Patent Rules. Solowheel also objects to Request No. 27 to the extent that it calls for production of documents protected by the attorney-client privilege, attorney work product doctrine, or other applicable privilege or materials covered under any applicable confidentiality agreements. Without waiving its objections, Solowheel responds as follows:

1 Solowheel will produce or make available any non-privileged documents responsive to
2 this request after, and subject to, the parties signing a Stipulated Protective Order.

3
4 **REQUEST FOR PRODUCTION NO. 28:** All documents and things concerning any
5 alleged derivative or convoyed sales associated with the sale of products covered by the Patents-
6 in-Suit and is relevant in a damages analysis in this case.

7 **RESPONSE:**

8 Solowheel objects to Request No. 28 as premature because discovery has just
9 commenced in this case. The factual allegations involving reasonable royalties will be
10 determined through consultation with experts and will be disclosed with its experts' reports
11 pursuant to the Court's Scheduling Order and the Local Patent Rules. Solowheel also objects to
12 Request No. 28 to the extent that it calls for production of documents protected by the attorney-
13 client privilege, attorney work product doctrine, or other applicable privilege or materials
14 covered under any applicable confidentiality agreements. Without waiving its objections,
15 Solowheel responds as follows:

16 Solowheel will produce or make available any non-privileged documents responsive to
17 this request after, and subject to, the parties signing a Stipulated Protective Order.

18
19 **REQUEST FOR PRODUCTION NO. 29:** All documents and things concerning any
20 alleged improved utility or advantages of products covered by the Patents-in-Suit as compared
21 to prior art devices.

22 **RESPONSE:**

23 Solowheel objects to Request No. 29 as overbroad, unduly burdensome, and not
24 proportional to the needs of the case. Solowheel is unable to decipher what Ninebot means by
25 "covered by the Patents-in-suit." Solowheel also objects to Request No. 29 to the extent that it
26 calls for production of documents protected by the attorney-client privilege, attorney work
27 product doctrine, or other applicable privilege. Solowheel also objects to Request No. 29 to the

1 extent it calls for a legal conclusion. Solowheel also objects to Request No. 29 under the Local
2 Patent Rules 112.

3
4 **REQUEST FOR PRODUCTION NO. 30:** Documents sufficient to determine the
5 number of units sold by any and all authorized sellers that are covered by the Patents-in-Suit.

6 **RESPONSE:**

7 Solowheel objects to Request No. 30 as overbroad, unduly burdensome, and not
8 proportional to the needs of the case. Sales of Solowheel products have nothing to do with
9 whether or not Ninebot infringes Solowheel's patents and is therefore irrelevant and unduly
10 burdensome. Solowheel objects to Request No. 30 as premature because discovery has just
11 commenced in this case. The factual allegations involving reasonable royalties will be
12 determined through consultation with experts and will be disclosed with its experts' reports
13 pursuant to the Court's Scheduling Order and the Local Patent Rules. Solowheel is unable to
14 decipher what Ninebot means by "covered by the Patents-in-suit." Solowheel also objects to
15 Request No. 30 to the extent that it calls for production of documents protected by the attorney-
16 client privilege, attorney work product doctrine, or other applicable privilege. Without waiving
17 any of its objections, Solowheel responds as follows:

18 Solowheel will produce or make available any non-privileged documents responsive to
19 this request after, and subject to, the parties signing a Stipulated Protective Order.

20
21 **REQUEST FOR PRODUCTION NO. 31:** Documents sufficient to determine the gross
22 sales revenue of products sold by Solowheel that are covered by the Patents-in-Suit.

23 **RESPONSE:**

24 Solowheel objects to Request No. 31 as overbroad, unduly burdensome, and not
25 proportional to the needs of the case. Sales of Solowheel products have nothing to do with
26 whether or not Ninebot infringes Solowheel's patents and is therefore irrelevant and unduly
27 burdensome. Solowheel objects to Request No. 31 as premature because discovery has just

1 commenced in this case. The factual allegations involving reasonable royalties will be
2 determined through consultation with experts and will be disclosed with its experts' reports
3 pursuant to the Court's Scheduling Order and the Local Patent Rules. Solowheel is unable to
4 decipher what Ninebot means by "covered by the Patents-in-suit." Solowheel also objects to
5 Request No. 31 to the extent that it calls for production of documents protected by the attorney-
6 client privilege, attorney work product doctrine, or other applicable privilege. Without waiving
7 any of its objections, Solowheel responds as follows:

8 Solowheel will produce or make available any non-privileged documents responsive to
9 this request after, and subject to, the parties signing a Stipulated Protective Order.

10
11 **REQUEST FOR PRODUCTION NO. 32:** Documents sufficient to determine the
12 profits from sales of products sold by Solowheel that are covered by the Patents-in-Suit.

13 **RESPONSE:**

14 Solowheel objects to Request No. 32 as overbroad, unduly burdensome, and not
15 proportional to the needs of the case. Sales of Solowheel products have nothing to do with
16 whether or not Ninebot infringes Solowheel's patents and is therefore irrelevant and unduly
17 burdensome. Solowheel objects to Request No. 32 as premature because discovery has just
18 commenced in this case. The factual allegations involving reasonable royalties will be
19 determined through consultation with experts and will be disclosed with its experts' reports
20 pursuant to the Court's Scheduling Order and the Local Patent Rules. Solowheel is unable to
21 decipher what Ninebot means by "covered by the Patents-in-suit." Solowheel also objects to
22 Request No. 32 to the extent that it calls for production of documents protected by the attorney-
23 client privilege, attorney work product doctrine, or other applicable privilege. Without waiving
24 any of its objections, Solowheel responds as follows:

25 Solowheel will produce or make available any non-privileged documents responsive to
26 this request after, and subject to, the parties signing a Stipulated Protective Order.

REQUEST FOR PRODUCTION NO. 33: For each product covered by the Patents-in-Suit and sold by Solowheel documents and things sufficient to identify: (i) Your manufacturing facilities; (ii) the current manufacturing capacity for each manufacturing facility for each model; and (iii) each storage or warehouse facility in the United States for each model and the number of units of that model normally kept in inventory at each such facility.

RESPONSE:

Solowheel objects to Request No. 33 as overbroad, unduly burdensome, and not proportional to the needs of the case. Solowheel is unable to decipher what Ninebot means by “product covered by the Patents-in-suit.” Solowheel also objects to Request No. 33 to the extent that it calls for production of documents protected by the attorney-client privilege, attorney work product doctrine, or other applicable privilege. Without waiving any of its objections, Solowheel responds as follows:

Solowheel will produce or make available any non-privileged documents responsive to this request after, and subject to, the parties signing a Stipulated Protective Order.

REQUEST FOR PRODUCTION NO. 34: All documents and things concerning any contracts, agreements, terms and conditions between You and customers, vendors, partners, resellers, value added resellers, and other similar parties that use or have permission to use, sell, or offer to sell products covered by the Patents-in-Suit.

RESPONSE:

Solowheel objects to Request No. 34 as overbroad, unduly burdensome, and not proportional to the needs of the case. Solowheel is unable to decipher what Ninebot means by “covered by the Patents-in-suit.” Further, the request is overbroad in requesting documents such as “terms and conditions” and with entities that do not relate to damages, infringement, or validity. Solowheel also objects to Request No. 34 to the extent that it calls for production of documents protected by the attorney-client privilege, attorney work product doctrine, or other applicable privilege. Without waiving any of its objections, Solowheel responds as follows:

1 Solowheel will produce or make available any non-privileged documents responsive to
2 this request after, and subject to, the parties signing a Stipulated Protective Order.

3
4 **REQUEST FOR PRODUCTION NO. 35:** All documents and things comparing,
5 contrasting, and/or weighing or analyzing the relative advantages and disadvantages of products
6 covered by the Patents-in-Suit and competing products, including the Ninebot Unicycle
7 Products.

8 **RESPONSE:**

9 Solowheel objects to Request No. 35 as overbroad, unduly burdensome, and not
10 proportional to the needs of the case. Solowheel is unable to decipher what Ninebot means by
11 “covered by the Patents-in-suit.” Solowheel also objects to Request No. 35 to the extent that it
12 calls for production of documents protected by the attorney-client privilege, attorney work
13 product doctrine, or other applicable privilege. Without waiving any of its objections, Solowheel
14 responds as follows:

15 Solowheel will produce or make available any non-privileged documents responsive to
16 this request after, and subject to, the parties signing a Stipulated Protective Order.

17
18 **REQUEST FOR PRODUCTION NO. 36:** All documents and things concerning any
19 displays or demonstrations at trade shows, meetings and conferences, worldwide, concerning
20 products sold by Solowheel and that are covered by the Patents-in-Suit.

21 **RESPONSE:**

22 Solowheel objects to Request No. 36 as overbroad, unduly burdensome, and not
23 proportional to the needs of the case. Solowheel is unable to decipher what Ninebot means by
24 “covered by the Patents-in-suit.” Solowheel also objects to Request No. 36 to the extent that it
25 calls for production of documents protected by the attorney-client privilege, attorney work
26 product doctrine, or other applicable privilege. Solowheel also objects to the extent the request
27

1 asks for publically available information equally available to Ninebot. Without waiving any of its
2 objections, Solowheel responds as follows:

3 Solowheel will produce or make available any non-privileged documents responsive to
4 this request after, and subject to, the parties signing a Stipulated Protective Order.

5
6 **REQUEST FOR PRODUCTION NO. 37:** All documents and things concerning any
7 product reviews, news articles or press releases concerning products sold by Solowheel and that
8 are covered by the Patents-in-Suit.

9 **RESPONSE:**

10 Solowheel objects to Request No. 37 as overbroad, unduly burdensome, and not
11 proportional to the needs of the case. Solowheel is unable to decipher what Ninebot means by
12 “covered by the Patents-in-suit.” Solowheel also objects to Request No. 37 to the extent that it
13 calls for production of documents protected by the attorney-client privilege, attorney work
14 product doctrine, or other applicable privilege. Solowheel also objects to the extent the request
15 asks for publically available information equally available to Ninebot. Solowheel also objects to
16 the extent the request asks for publically available information equally available to Ninebot.
17 Without waiving any of its objections, Solowheel responds as follows:

18 Solowheel will produce or make available any non-privileged documents responsive to
19 this request after, and subject to, the parties signing a Stipulated Protective Order.

20
21 **REQUEST FOR PRODUCTION NO. 38:** All documents and things concerning any
22 product reviews, news articles or press releases concerning products covered by the Patents-in-Suit
23 or its inventor, Mr. Shane Chen.

24 **RESPONSE:**

25 Solowheel objects to Request No. 38 as overbroad, unduly burdensome, and not
26 proportional to the needs of the case. Solowheel is unable to decipher what Ninebot means by
27 “covered by the Patents-in-suit.” Solowheel also objects to Request No. 38 to the extent that it

1 calls for production of documents protected by the attorney-client privilege, attorney work
2 product doctrine, or other applicable privilege. Solowheel also objects to the extent the request
3 asks for publically available information equally available to Ninebot. Without waiving any of its
4 objections, Solowheel responds as follows:

5 Solowheel will produce or make available any non-privileged documents responsive to
6 this request after, and subject to, the parties signing a Stipulated Protective Order.

7
8 **REQUEST FOR PRODUCTION NO. 39:** All technical papers, white papers, internal
9 memorandums, conference proceedings, book chapters, or technical presentations that include
10 discussions, analysis, or any other content concerning products sold by Solowheel and that are
11 covered by the Patents-in-Suit.

12 **RESPONSE:**

13 Solowheel objects to Request No. 39 as overbroad, unduly burdensome, and not
14 proportional to the needs of the case. Solowheel is unable to decipher what Ninebot means by
15 “covered by the Patents-in-suit.” Solowheel also objects to Request No. 39 to the extent that it
16 calls for production of documents protected by the attorney-client privilege, attorney work
17 product doctrine, or other applicable privilege. Solowheel also objects to the extent the request
18 asks for publically available information equally available to Ninebot.

19
20 **REQUEST FOR PRODUCTION NO. 40:** All documents and things concerning the
21 design, operation, or properties of products sold by Solowheel that are covered by the Patents-in-
22 Suit including without limitation all technical documents, schematics, plans, process diagrams,
23 specifications, or the like concerning any products that you have accused or plan to accuse of
24 infringing the Patents-in-Suit.

25 **RESPONSE:**

26 Solowheel objects to Request No. 40 as overbroad, unduly burdensome, and not
27 proportional to the needs of the case. Solowheel is unable to decipher what Ninebot means by

1 “covered by the Patents-in-suit.” Solowheel also objects to Request No. 40 to the extent that it
2 calls for production of documents protected by the attorney-client privilege, attorney work
3 product doctrine, or other applicable privilege. Without waiving any of its objections, Solowheel
4 responds as follows:

5 Solowheel will produce or make available any non-privileged documents responsive to
6 this request after, and subject to, the parties signing a Stipulated Protective Order.

7
8 **REQUEST FOR PRODUCTION NO. 41:** All documents and things concerning the
9 commercial success, commercial performance, customer satisfaction, critiques, problems,
10 shortcomings, challenges, technical success, technical performance, financial performance,
11 financial impact, suitability, competitive position, and market position of Solowheel products
12 covered by the Patents-in-Suit.

13 **RESPONSE:**

14 Solowheel objects to Request No. 41 as overbroad, unduly burdensome, and not
15 proportional to the needs of the case. Solowheel is unable to decipher what Ninebot means by
16 “covered by the Patents-in-suit.” Solowheel also objects to Request No. 41 to the extent that it
17 calls for production of documents protected by the attorney-client privilege, attorney work
18 product doctrine, or other applicable privilege.

19 Solowheel further objects to this request to the extent it attempts to shift the burden of
20 proof to Solowheel to affirmatively prove validity. A patent is presumed valid, and the party
21 challenging the validity of a patent claim has the burden of establishing invalidity through clear
22 and convincing evidence. Ninebot must establish invalidity before it would be appropriate to
23 seek Solowheel’s contentions as to why the asserted claims of the Solowheel Patents-in-Suit are
24 “not obvious.” Without waiving any of its objections, Solowheel responds as follows:

25 Solowheel will produce or make available any non-privileged documents responsive to
26 this request after, and subject to, the parties signing a Stipulated Protective Order.

1 **REQUEST FOR PRODUCTION NO. 42:** All documents and things concerning Your
2 customers using products covered by the Patents-in-Suit including surveys and feedback.

3 **RESPONSE:**

4 Solowheel objects to Request No. 42 as overbroad, unduly burdensome, and not
5 proportional to the needs of the case. Solowheel is unable to decipher what Ninebot means by
6 “covered by the Patents-in-suit.” Solowheel also objects to Request No. 42 to the extent that it
7 calls for production of documents protected by the attorney-client privilege, attorney work
8 product doctrine, or other applicable privilege. Without waiving any of its objections, Solowheel
9 responds as follows:

10 Solowheel will produce or make available any non-privileged documents responsive to
11 this request after, and subject to, the parties signing a Stipulated Protective Order.

12
13 **REQUEST FOR PRODUCTION NO. 43:** All documents and things concerning Your
14 projections for sales, revenue, and profits associated with Your products covered by the Patents-
15 in-Suit.

16 **RESPONSE:**

17 Solowheel objects to Request No. 43 as overbroad, unduly burdensome, and not
18 proportional to the needs of the case. Solowheel is unable to decipher what Ninebot means by
19 “covered by the Patents-in-suit.” Solowheel also objects to Request No. 43 to the extent that it
20 calls for production of documents protected by the attorney-client privilege, attorney work
21 product doctrine, or other applicable privilege. Without waiving any of its objections, Solowheel
22 responds as follows:

23 Solowheel will produce or make available any non-privileged documents responsive to
24 this request after, and subject to, the parties signing a Stipulated Protective Order.

25
26 **REQUEST FOR PRODUCTION NO. 44:** All documents and things sufficient to show
27 the identification of Your top 50 customers, on an annual basis for products covered by the

1 Patents-in-Suit as well as the following documents and things reflecting the following
2 information with respect to these customers: (i) each such customer name and location; (ii) the
3 total annual sales to each customer; and (iii) the contracts or agreements under which You
4 provide products covered by the Patents-in-Suit to such customers.

5 **RESPONSE:**

6 Solowheel objects to Request No. 44 as overbroad, unduly burdensome, and not
7 proportional to the needs of the case. Solowheel is unable to decipher what Ninebot means by
8 “covered by the Patents-in-suit.” Further, Solowheel also objects to Request No. 44 to the extent
9 that it calls for production of documents protected by the attorney-client privilege, attorney work
10 product doctrine, or other applicable privilege. Additionally, Solowheel objects to Request No.
11 44 as requesting information not kept in the ordinary course of business or requiring creation of
12 documents not required by the Federal Rules of Civil Procedure.

13
14 **REQUEST FOR PRODUCTION NO. 45:** All documents and things concerning the
15 financial reports produced, maintained or run by You in the ordinary course of Your business
16 concerning products covered by the Patents-in-Suit.

17 **RESPONSE:**

18 Solowheel reincorporates its General Objections as if fully stated here. More specifically,
19 Solowheel objects to Request No. 45 as overbroad, unduly burdensome, and not proportional to
20 the needs of the case. Solowheel is unable to decipher what Ninebot means by “covered by the
21 Patents-in-suit.” Solowheel also objects to Request No. 45 to the extent that it calls for
22 production of documents protected by the attorney-client privilege, attorney work product
23 doctrine, or other applicable privilege. Without waiving any of its objections, Solowheel
24 responds as follows:

25 Solowheel will produce or make available any non-privileged documents responsive to
26 this request after, and subject to, the parties signing a Stipulated Protective Order.
27

1 **REQUEST FOR PRODUCTION NO. 46:** All documents and things concerning annual
2 profit and loss statements, or the like or equivalent, for Your business unit(s) and/or groups
3 responsible for the manufacture, sale, installation, maintenance, and/or servicing of Solowheel's
4 products covered by the Patents-in-Suit.

5 **RESPONSE:**

6 Solowheel objects to Request No. 46 as overbroad, unduly burdensome, and not
7 proportional to the needs of the case. Solowheel is unable to decipher what Ninebot means by
8 "covered by the Patents-in-suit." Further, Solowheel also objects to Request No. 46 to the extent
9 that it calls for production of documents protected by the attorney-client privilege, attorney work
10 product doctrine, or other applicable privilege. Additionally, Solowheel objects to Request No.
11 46 as requesting information not kept in the ordinary course of business or requiring creation of
12 documents not required by the Federal Rules of Civil Procedure. Solowheel also objects as this
13 request to the extent it seeks information from third parties. Without waiving any of its
14 objections, Solowheel responds as follows:

15 Solowheel will produce or make available any non-privileged documents responsive to
16 this request after, and subject to, the parties signing a Stipulated Protective Order.

17
18 **REQUEST FOR PRODUCTION NO. 47:** All documents and things sufficient to show
19 any third party's share, or anticipated share, in any market concerning products covered by the
20 Patents-in-Suit and/or the electric unicycle market.

21 **RESPONSE:**

22 Solowheel objects to Request No. 47 as overbroad, unduly burdensome, and not
23 proportional to the needs of the case. Solowheel is unable to decipher what Ninebot means by
24 "covered by the Patents-in-suit." Solowheel also objects to Request No. 47 to the extent that it
25 calls for production of documents protected by the attorney-client privilege, attorney work
26 product doctrine, or other applicable privilege. Without waiving any of its objections, Solowheel
27 responds as follows:

1 Solowheel will produce or make available any non-privileged documents responsive to
2 this request after, and subject to, the parties signing a Stipulated Protective Order.

3
4 **REQUEST FOR PRODUCTION NO. 48:** All documents and things related to the
5 acquisition, purchase, merger, asset purchase or equivalent activity concerning Inventist Inc. or
6 any other Patent Holder.

7 **RESPONSE:**

8 Solowheel objects to Request No. 48 as overbroad, unduly burdensome, and not
9 proportional to the needs of the case. Solowheel also objects to Request No. 48 to the extent that
10 it calls for production of documents protected by the attorney-client privilege, attorney work
11 product doctrine, or other applicable privilege. Without waiving any of its objections, Solowheel
12 responds as follows:

13 Solowheel will produce or make available any non-privileged documents responsive to
14 this request after, and subject to, the parties signing a Stipulated Protective Order.

15
16 **REQUEST FOR PRODUCTION NO. 49:** All documents and things concerning the
17 product features that are most important to purchasers, or customers of Solowheel's products
18 covered by the Patents-in-Suit when making their purchase decisions, and any analyses,
19 evaluations, surveys, and reviews concerning such features and decisions.

20 **RESPONSE:**

21 Solowheel objects to Request No. 49 as overbroad, unduly burdensome, and not
22 proportional to the needs of the case. Solowheel is unable to decipher what Ninebot means by
23 "covered by the Patents-in-suit" or "important to purchasers or consumers". Solowheel also
24 objects to Request No. 49 to the extent that it calls for production of documents protected by the
25 attorney-client privilege, attorney work product doctrine, or other applicable privilege.
26 Solowheel also objects to the extent this request seeks information from third parties.

1 **REQUEST FOR PRODUCTION NO. 50:** All documents and things sufficient to show
2 the relationship of You to Your affiliates or affiliated Persons, including parent companies,
3 subsidiaries, partnerships, joint ventures, and divisions.

4 **RESPONSE:**

5 Solowheel objects to Request No. 50 as not proportional to the needs of the case.
6 Solowheel also objects to Request No. 50 to the extent that it calls for production of documents
7 protected by the attorney-client privilege, attorney work product doctrine, or other applicable
8 privilege. Without waiving any of its objections, Solowheel responds as follows:

9 Solowheel will produce or make available any non-privileged documents responsive to
10 this request after, and subject to, the parties signing a Stipulated Protective Order.

11
12 **REQUEST FOR PRODUCTION NO. 51:** All documents and things concerning or
13 relating to the Patents-in-Suit.

14 **RESPONSE:**

15 Solowheel objects to Request No. 51 as overbroad, unduly burdensome, and not
16 proportional to the needs of the case. Solowheel further objects to Request No. 51 to the extent it
17 requests production of documents with an unlimited temporal scope. Solowheel also objects to
18 Request No. 51 to the extent that it calls for production of documents protected by the attorney-
19 client privilege, attorney work product doctrine, or other applicable privilege.

20
21 **REQUEST FOR PRODUCTION NO. 52:** All documents and things concerning the
22 Inventor(s) of the Patents-in-Suit, including but not limited to any communications with or
23 concerning such Inventors or concerning such Inventors' publications, patents, articles or the
24 like.

25 **RESPONSE:**

26 Solowheel objects to Request No. 52 as overbroad, unduly burdensome, and not
27 proportional to the needs of the case. Shane Chen is a general inventor, and many of his

1 communications, publications, patents, articles, and the like have nothing to do with the patents
2 at issue in this case. Solowheel also objects to Request No. 52 to the extent that it calls for
3 production of documents protected by the attorney-client privilege, attorney work product
4 doctrine, or other applicable privilege.

5
6 **REQUEST FOR PRODUCTION NO. 53:** All documents and things concerning the
7 first public disclosure, function, and operation of any prior art devices, references, or documents,
8 including any prior art system, reference, or document of You, a predecessor-in-interest of You,
9 a Patent Holder, a company acquired by You, or Person or entity controlled or employed by You.

10 **RESPONSE:**

11 Solowheel objects to Request No. 53 as overbroad, unduly burdensome, and not
12 proportional to the needs of the case. Solowheel is unable to decipher what Ninebot means by
13 “prior art that relates to the Patents-In-Suit.” Solowheel also objects to Request No. 53 to the
14 extent that it calls for production of documents protected by the attorney-client privilege,
15 attorney work product doctrine, or other applicable privilege. Solowheel also objects to Request
16 No. 53 as requesting publicly available documents equally available to Ninebot. Solowheel also
17 objects to Request 53 as being duplicative of Request No. 9. Without waiving any of its
18 objections, Solowheel responds as follows:

19 Solowheel will produce or make available any non-privileged documents responsive to
20 this request after, and subject to, the parties signing a Stipulated Protective Order.

21
22 **REQUEST FOR PRODUCTION NO. 54:** All documents and things concerning any
23 non-infringing alternatives to the inventions, methods, systems, or apparatuses claimed in the
24 Patents-in-Suit, including but not limited to the identification, availability, acceptability, and cost
25 of using or implementing any such alternatives; the specific alterations that would be made to the
26 such non-infringing alternative products to effectuate such alternatives; and the steps, costs, and
27 time required to develop and implement each alternative.

RESPONSE:

Solowheel objects to Request No. 54 as overbroad, unduly burdensome, and not proportional to the needs of the case. Solowheel also objects to Request No. 54 to the extent that it calls for production of documents protected by the attorney-client privilege, attorney work product doctrine, or other applicable privilege.

REQUEST FOR PRODUCTION NO. 55: All documents and things concerning Your future plans for the products covered by the Patents-in-Suit including future plans for the development of any planned or contemplated improvements, additions, new features, new functionality, updates, revisions, design arounds, and alterations.

RESPONSE:

Solowheel objects to Request No. 55 as overbroad, unduly burdensome, and not proportional to the needs of the case. Solowheel also objects to Request No. 55 to the extent that it calls for production of documents protected by the attorney-client privilege, attorney work product doctrine, or other applicable privilege. Without waiving any of its objections, Solowheel responds as follows:

Solowheel will produce or make available any non-privileged documents responsive to this request after, and subject to, the parties signing a Stipulated Protective Order.

REQUEST FOR PRODUCTION NO. 56: All documents and things concerning the history of Your development of products covered by the Patents-in-Suit including when development began and the genesis thereof; why You decided to begin development; and the circumstances that led to the development of the alleged invention disclosed and claimed in the Patents-in-Suit.

RESPONSE:

Solowheel objects to Request No. 56 as overbroad, unduly burdensome, and not proportional to the needs of the case to the extent that it asks Solowheel to identify “all

documents” and “conception of the invention” and relates to Solowheel’s products, not its patents.

REQUEST FOR PRODUCTION NO. 57: All documents and things concerning the circumstances under which You first became aware of the existence of the products sold by Ninebot that you have accused of infringement of the Patents-in-Suit.

RESPONSE:

Solowheel objects to Request No. 57 to the extent that it calls for production of documents protected by the attorney-client privilege, attorney work product doctrine, or other applicable privilege. Without waiving any of its objections, Solowheel responds as follows:

Solowheel will produce or make available any non-privileged documents responsive to this request after, and subject to, the parties signing a Stipulated Protective Order.

REQUEST FOR PRODUCTION NO. 58: All documents and things relating to any discussions, evaluations, or analysis regarding the Patents-in-Suit, including evaluations of the potential scope, validity, infringement, or enforceability of the Patents-in-Suit.

RESPONSE:

Solowheel objects to Request No. 58 to the extent that it calls for production of documents protected by the attorney-client privilege, attorney work product doctrine, or other applicable privilege.

Solowheel incorporates its Patent Owner Preliminary Response from IPR2018-00134, which is publically available and was served to Ninebot.

REQUEST FOR PRODUCTION NO. 59: All documents and things referred to in Your initial or mandatory disclosures, and any amendments or supplements thereto.

RESPONSE:

Solowheel objects to Request No. 59 to the extent that it calls for production of documents protected by the attorney-client privilege, attorney work product doctrine, or other applicable privilege. Without waiving any of its objections, Solowheel responds as follows:

Solowheel will produce or make available any non-privileged documents responsive to this request after, and subject to, the parties signing a Stipulated Protective Order.

REQUEST FOR PRODUCTION NO. 60: Your annual reports, quarterly reports and all other periodic reports filed with the Securities and Exchange Commission (or any similar governmental entity) or presented to Your board of directors, managerial employees, investors or potential investors from August 4, 2010 to the present.

RESPONSE:

Solowheel objects to Request No. 60 as overbroad, unduly burdensome, and not proportional to the needs of the case to the extent that it asks Solowheel for irrelevant, but highly sensitive financial information. Solowheel also objects to Request No. 60 to the extent that it calls for production of documents protected by the attorney-client privilege, attorney work product doctrine, or other applicable privilege. Solowheel also objects to Request No. 60 to the extent it seeks publicly available information equally available to Ninebot.

REQUEST FOR PRODUCTION NO. 61: All minutes, presentation materials or any other record of any meetings of Your officers or board of directors, or of any formal or informal committee or group thereof, that refer or relate to Inventist, Ninebot, Patent Holders, the Patents-in-Suit, or this case.

RESPONSE:

Solowheel objects to Request No. 61 as overbroad, unduly burdensome, and not proportional to the needs of the case. Solowheel also objects to Request No. 61 to the extent that

1 it calls for production of documents protected by the attorney-client privilege, attorney work
2 product doctrine, or other applicable privilege.

3
4 **REQUEST FOR PRODUCTION NO. 62:** Your organizational charts sufficient to
5 reflect Your organization and reporting structure.

6 **RESPONSE:**

7 Without waiving any of its objections, Solowheel responds as follows:

8 Solowheel will produce or make available any non-privileged documents responsive to
9 this request after, and subject to, the parties signing a Stipulated Protective Order.

10
11 **REQUEST FOR PRODUCTION NO. 63:** All documents and things that You claim to
12 be relevant to the interpretation or construction of any of the claims of the Patents-in-Suit, and
13 any document or thing undermining Your alleged constructions of the claims of the Patents-in-
14 Suit.

15 **RESPONSE:**

16 Solowheel objects to Request No. 63 as premature. Solowheel will respond to Ninebot's
17 request for a proposed claim construction pursuant to the deadlines set forth in the Court's
18 Scheduling Order and the Local Patent Rules.

1 Dated: September 26, 2018

2 *Respectfully submitted,*

3 By: s/ Benjamin J. Hodges
4 Benjamin J. Hodges, WSBA #49301
5 Kevin Ormiston, WSBA #49835
6 FOSTER PEPPER PLLC
7 1111 3rd Avenue, Suite 3000
8 Seattle, WA 98110
9 Telephone: (206) 447-4400
10 Fax: (206) 749-1940
11 E-mail: Ben.Hodges@foster.com,
12 Kevin.Ormiston@foster.com

13 *Counsel for Plaintiff Solowheel, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on September 26, 2018, I caused a true and correct copy of the foregoing to be served on all counsel of record via email.

Al Van Kampen
Van Kampen & Crowe, PLLC
1001 Fourth Avenue, Ste 4050
Seattle, WA 98154
Email: AVanKampen@VKClaw.com

Cameron H. Tousi
IP Law Leaders PLLC
6701 Democracy Blvd., Ste 555
Bethesda, MD 20817
Email: chtousi@ipllfirm.com

By: s/ Benjamin J. Hodges

Benjamin J. Hodges